

**ZONING REGULATIONS
CITY OF BURLINGTON, KANSAS**

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
ARTICLE 1. TITLE, PURPOSE, AUTHORITY AND JURISDICTION		1-1
1-100	Title	1-1
1-101	Purpose	1-1
1-102	Authority	1-1
1-103	Zoning Jurisdiction	1-2
ARTICLE 2. INTERPRETATION, CONSTRUCTION AND DEFINITIONS		2-1
2-100	Rules of Interpretation	2-1
	A. Minimum Requirements	2-1
	B. Overlapping or Contradictory Regulations	2-1
	C. Private Agreements	2-1
	D. Unlawful Uses	2-1
	E. Not a Licensing Regulation	2-1
	F. Effect on Existing Permits	2-1
	G. Vesting of Development Rights	2-2
2-101	Rules of Construction	2-2
2-102	Definitions	2-3
ARTICLE 3. GENERAL PROVISIONS		3-1
3-100	Activities Governed by these Regulations	3-1
	A. New Structures	3-1
	B. New Uses of Old Structures	3-1
	C. Structural Alterations	3-1
	D. Uses of Open Land	3-1
	E. Exemptions	3-1
3-101	Districts, Zoning Maps and Boundaries	3-2
	A. Establishment of Districts	3-2
	B. Zoning Maps	3-2
	C. Boundaries	3-2
	D. Zoning of Rights-of-Way	3-2
3-102	General Requirements for All Zoning Districts	3-2
	A. Permitted Uses	3-2
	B. Special Uses	3-3
	C. Conditional Uses	3-3
	D. Lot Sizes	3-3
	E. Bulk Regulations	3-3
	F. Use Limitations	3-4
	G. Off-Street Parking and Loading	3-4
	H. Accessory Structures or Uses	3-4
	I. Temporary Structures or Uses	3-4
	J. Home Occupations	3-4
	K. Signs	3-4

**ZONING REGULATIONS
CITY OF BURLINGTON, KANSAS**

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
3-103	Miscellaneous Requirements	3-4
	A. Number of Structures and Uses on a Zoning Lot	3-4
	B. Platted Building Setback Lines	3-4
	C. Average Setback in Existing Residential Districts	3-5
	D. Yard Requirements for Open Land.....	3-5
	E. Restrictions on Allocation and Disposition of Required Yards or Open Space	3-5
	F. Permitted Obstructions in Required Yards	3-5
	G. Lot Size Requirements and Bulk Regulations for Utility Facilities	3-6
	H. Access to Business and Industrial Districts	3-6
	I. Annexed Land	3-7
	J. Sewer and Water Facilities	3-7
	K. Dedication of Rights-of-Way and Easements	3-7
	L. Flood Plain Requirements	3-7
	M. Moving Structures	3-7
	N. Status of Moving Manufactured or Mobile Homes	3-8
	O. Vision Triangle	3-8
3-104	Screening and Landscaping	3-9
3-105	Site Plan Approval	3-11
	A. Applicability	3-11
	B. Enforcement	3-11
	C. Fees	3-11
	D. Submittal Time	3-11
	E. Number of Plan Copies	3-11
	F. Site Plan Requirements	3-11
	G. Conditions of Approval	3-12
	H. Assurance	3-12
	I. Design Criteria	3-12
	ARTICLE 4. ZONING DISTRICT	
4-100	Permitted Uses in All Districts	4-1
4-101	A-1 Agricultural District	4-1
	A. Permitted Uses	4-1
	B. Special Uses	4-1
	C. Conditional Uses	4-3
	D. Lot Size Requirement	4-3
	E. Bulk Regulations	4-3
	F. Use Limitations	4-3
4-102	SR-1 Suburban Single-Family Residential District	4-4
	A. Permitted Uses	4-4
	B. Special Uses	4-4
	C. Conditional Uses	4-4
	D. Lot Size Requirements	4-4
	E. Bulk Regulations	4-4
	F. Use Limitations	4-5

**ZONING REGULATIONS
CITY OF BURLINGTON, KANSAS**

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
4-103 R-1 Single-Family Residential District		4-6
A. Permitted Uses		4-6
B. Special Uses		4-6
C. Conditional Uses		4-6
D. Lot Size Requirements		4-7
E. Bulk Regulations		4-7
F. Use Limitation		4-
7		
4-104 R-2 Multiple-Family Residential District		4-8
A. Permitted Uses		4-8
B. Special Uses		4-8
C. Conditional Uses		4-8
D. Lot Size Requirements		4-8
E. Bulk Regulations		4-8
F. Use Limitations		4-9
4-105 R-3 Multiple-Family Residential District		4-10
A. Permitted Uses.....		4-10
B. Special Uses.....		4-10
C. Conditional Uses		4-10
D. Lot Size Requirements		4-10
E. Bulk Regulations		4-11
F. Use Limitations		4-11
4-106 MH-1 Manufactured Home Park District.....		4-12
A. Permitted Uses		4-12
B. Special Uses		4-12
C. Conditional Uses.....		4-12
D. Standards for Manufactured Home Parks		4-12
E. Unused Manufactured Home Park		4-12
4-107 C-1 Central Business District		4-13
A. Permitted Uses		4-13
B. Special Uses		4-14
C. Conditional Use		4-14
D. Lot Size Requirements		4-14
E. Bulk Regulations		4-14
F. Use Limitations		4-15
4-108 C-2 Commercial District.....		4-16
A. Permitted Uses.....		4-16
B. Special Uses.....		4-16
C. Conditional Uses.....		4-17
D. Lot Size Requirements.....		4-17
E. Bulk Regulations.....		4-17
F. Use Limitations.....		4-17

**ZONING REGULATIONS
CITY OF BURLINGTON, KANSAS**

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
4-109 I-1 Light Industrial District.....		4-18
A. Permitted Uses.....		4-18
B. Special Uses.....		4-19
C. Conditional Uses.....		4-19
D. Lot Size Requirements.....		4-19
E. Bulk Regulations.....		4-19
F. Use Limitations.....		4-19
4-110 I-2 Heavy Industrial District.....		4-20
A. Permitted Uses.....		4-20
B. Uses NOT Permitted.....		4-20
C. Special Uses.....		4-20
D. Conditional Uses.....		4-21
E. Lot Size Requirements.....		4-21
F. Bulk Regulations.....		4-21
G. Use Limitations.....		4-21
4-111 FP Flood Plain District.....		4-22
A. Definitions.....		4-22
B. General Standards.....		4-26
C. Lands to Which District Applies.....		4-27
D. Warning and Disclaimer of Liability.....		4-27
E. Interpretation of Boundaries.....		4-28
F. Consideration of Flood Plain Management Programs in Neighboring Communities.....		4-28
G. Establishment of Flood Plain District.....		4-28
H. Standards Within the Floodway and Flood Fringe Overlay Boundaries (Including AO and AH Zones).....		4-28
I. Floodway Overlay Boundary (Including AO and AH Zones).....		4-29
J. Flood Fringe Overlay Boundaries (Including AO and AH Zones).....		4-31
K. Certification and Information.....		4-33
L. Variance		4-33
M. Application for Zoning Permits/Building Permits and Occupancy Certificates.....		4-35
ARTICLE 5. OFF-STREET PARKING AND LOADING		5-1
5-100 Off-Street Parking		5-1
A. General Provisions		5-1
5-101 Required Parking Spaces		5-3
A. Dwelling and Lodging Uses		5-3
B. Business and Industrial Uses		5-3
C. Other Uses		5-4
5-102 Conditional Use for Parking		5-5

**ZONING REGULATIONS
CITY OF BURLINGTON, KANSAS**

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
5-103	Off-Street Loading and Unloading	5-6
ARTICLE 6. ACCESSORY USES, TEMPORARY USES AND HOME OCCUPATIONS .		6-1
6-100	Accessory Uses Authorization	6-1
	A. Definitions	6-1
	B. Permitted Accessory Uses	6-1
	C. Bulk Regulations	6-3
	D. Use Limitations	6-3
6-101	Temporary Uses Permitted	6-3
6-102	Home Occupations Authorization	6-4
	A. Definition	6-4
	B. Use Limitations	6-5
	C. Home Occupations Permitted	6-5
	D. Home Occupations Prohibited	6-6
	E. Home Occupation Authorization by Conditional Use	6-6
ARTICLE 7. SIGNS		7-1
7-100	Sign Permits	7-1
7-101	Classification of Signs	7-1
	A. Functional Types	7-1
	B. Structural Types	7-1
7-102	General Standards	7-2
	A. Gross Surface Area of Sign	7-2
	B. Corner and Through Lots	7-2
	C. Height of Sign	7-2
	D. Building and Electrical Codes Applicable	7-2
	E. Illuminated Signs	7-2
	F. Flashing or Moving Signs	7-2
	G. Metal and Nonmetal Signs	7-3
	H. Access Way or Window	7-3
	I. Signs on Trees or Utility Poles	7-3
	J. Traffic Safety	7-3
	K. Location	7-3
	L. Portable Signs	7-3
	M. Damaged or Unsafe Signs	7-4
7-103	Exemptions	7-4
7-104	District Regulations	7-6
	A. A-1 Agricultural District	7-6
	B. SR-1, R-1, R-2 and R-3 Residential Districts; and MH-1 Manufactured Home Park District.....	7-6
	C. C-1 Central Business District	7-7
	D. C-2 Commercial District	7-8

**ZONING REGULATIONS
CITY OF BURLINGTON, KANSAS**

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
E. I-1 and I-2 Industrial Districts		7-8
 ARTICLE 8. NONCONFORMING LOTS, STRUCTURES AND USES		 8-1
8-100	Purpose	8-1
8-101	Nonconforming Lots of Record	8-1
	A. In Any Residential District	8-1
	B. In Districts Other than Residential Districts	8-2
8-102	Nonconforming Structures	8-3
	A. Authority to Continue	8-3
	B. Enlargement, Repair or Alterations	8-3
	C. Damage	8-3
	D. Moving	8-3
8-103	Nonconforming Uses	8-3
	A. Authority to Continue	8-3
	B. Ordinary Repair and Maintenance	8-3
	C. Structural Alteration	8-3
	D. Extension	8-3
	E. Enlargement	8-4
	F. Damage	8-4
	G. Moving	8-4
	H. Change in Use	8-4
	I. Abandonment	8-4
	J. Nonconforming Accessory Uses	8-5
8-104	Nonconforming Residential Structures	8-5
8-105	Nonconforming Nonresidential Structures and Uses	8-5
8-106	Status of Existing Special and Conditional Uses	8-5
8-107	Registration of Nonconformities and Exemptions	8-6
	A. Purpose	8-6
	B. Rights Conditioned	8-6
	C. Registration Process	8-6
	D. Registration Determination	8-6
	E. Appeal	8-6
 ARTICLE 9. ADMINISTRATION AND ENFORCEMENT.....		 9-1
9-100	Office of the Zoning Administrator	9-1
	A. Duties of the Zoning Administrator	9-1
	B. Duties of the Clerk	9-1
9-101	Zoning Permits and Occupancy Certificates	9-2

**ZONING REGULATIONS
CITY OF BURLINGTON, KANSAS**

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
	A. Zoning Permits	9-2
	B. Occupancy Certificates	9-3
	C. Agricultural Compliance Certificate	9-4
9-102	Enforcement and Liability	9-4
9-103	Violations (Penalties/Remedies/Flood Plain Violations)	9-5
9-104	Fees	9-5
9-105	Reports	9-5
	 ARTICLE 10. BOARD OF ZONING APPEALS	 10-1
10-100	Authorization	10-1
10-101	General Procedures	10-1
10-102	Jurisdiction	10-1
10-103	Notice of Hearing	10-1
10-104	Conduct of Hearing	10-2
10-105	Finality and Judicial Review of Decisions	10-2
10-106	Appeals	10-2
10-107	Variances	10-3
	A. Application	10-3
	B. Hearing and Notice	10-4
	C. Authorized	10-4
	D. Standards	10-4
	E. Conditions	10-5
	F. Decisions and Records	10-5
	G. Period of Validity	10-5
10-108	Conditional Uses	10-5
	A. Application	10-6
	B. Hearing and Notice	10-6
	C. Standards	10-6
	D. Conditions	10-7
	E. Decisions and Records	10-7
	F. Period of Validity	10-7
	 ARTICLE 11. AMENDMENTS	 11-1
11-100	General Provisions for Amendments	11-1
	A. Proposal	11-1
	B. Application	11-1
	C. Public Hearing	11-2
	D. Notice of Hearing	11-2
	E. Conduct of Hearing	11-3

**ZONING REGULATIONS
CITY OF BURLINGTON, KANSAS**

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
F.	Report by Planning Commission	11-4
G.	Amendments to Text	11-4
H.	Review Criteria for Amendments or Special Uses	11-4
11-101	Special Uses	11-5
11-102	Project Review	11-6
11-103	Filing of Protest	11-6
11-104	Adoption of Amendments and Special Uses by the Governing Body ..	11-7
11-105	Annual Review	11-7
11-106	Judicial Review	11-7
	ARTICLE 12. SEVERABILITY AND EFFECTIVE DATE	12-1
12-100	Severability	12-1
12-101	Effective Date	12-1
	APPENDIX	A-1
	Table of Comparability for Zoning Districts	A-1
	Ordinance Incorporating and Adopting Zoning Regulations	A-2
	Selected Index by Subject and Section	A-3